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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 10/630,265 | 07/30/2003 | Michael Mallary | Q01-1082-US1 | 3728 |
| 20792 | 7590 | 01/03/2006 | EXAMINER | |
| MYERS BIGEL SIBLEY & SAJOVEC | | | KIM, PAUL D | |
| PO BOX 37428 | | | ART UNIT | |
| RALEIGH, NC 27627 | | | PAPER NUMBER | |
| | | | 3729 | |
| DATE MAILED: 01/03/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.



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DETAILED ACTION

1. The reply filed on 11/18/2005 is not fully responsive to the prior Office Action, Restriction Requirement mailed on 10/20/2005.
2. Applicants fail to response to the prior office action to the restriction requirement by a provisional election on 11/18/2005.
3. Applicant was advised that a reply to the restriction requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that the species are not patentable distinct, the species being obvious variant is considered nonresponsive unless accompanied by an election.
4. Since applicant elects Group II, Group II contains claims directed to the following patentably distinct species of the claimed invention:
 - Species A, drawn to Fig. 2 for claims 27-30.
 - Species B, drawn to Fig. 3 for claims 31-34.
 - Species C, drawn to Fig. 4 for claims 35-38.
 - Claim 23 is a generic claim.
5. Applicant was also advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
6. The examiner maintains the restriction requirement including the election of species requirement as set forth office action mailed on 10/20/2005.

Art Unit: 3729

6. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Friday between 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paul D. Kim
Examiner
Art Unit 3729